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HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 12th March, 1954:—

BILL No. 29 OF 1953

A bill further to amend the Government of Part C States Act, 1951.

WHEREAS it is expedient further to amend the Government of Part C States Act (XLIX of 1951), for the purposes hereinafter appearing:

BE it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Government of Part C States (Amendment) Act, 19 .

(2) It shall come into force at once.

2. **Amendment of section 1, Act XLIX of 1951.**—In section 1 of the Government of Part C States Act, 1951. (hereinafter referred to as the said Act) the proviso to sub-section (2) shall be omitted.

3. **Amendment of section 3, Act XLIX of 1951.**—In section 3 of the said Act,—

(i) in sub-section (2), after the word “Delhi”, the words “Tripura, Cutch and Manipur” shall be inserted; and

(ii) for sub-section (4), the following shall be substituted, namely:—

“(4) In those States where Electoral Colleges have been constituted, and Legislative Assemblies have not been elected, these Electoral Colleges shall elect the Legislative Assemblies of the States, consisting of as many seats as are allotted to them in the Third Schedule. The election to the Legislative Assemblies by the respective Electoral Colleges shall be held in accordance with the system of proportional representation by means of the single transferable vote:—

Provided that before the next general elections, the Assembly constituencies of these States shall be properly delimited by the Delimitation Commission and the election to the Legislative Assemblies of these States shall be by direct suffrage.”

4. **Omission of section 23, Act XLIX of 1951.**—Section 23 of the said Act, shall be omitted.

5. **Amendment of section 36, Act XLIX of 1951.**—In section 36 of the said Act, the first proviso to sub-section (1) shall be omitted.

6. **Omission of section 40, Act XLIX of 1951.**—Section 40 of the said Act, shall be omitted.

7. **Omission of section 42.**—Section 42 of the said Act, shall be omitted.

8. **Amendment of the Third Schedule, Act XLIX of 1951.**—In the Third Schedule to the said Act, under columns 1, 2, 3 and 4 the following shall be added at the end, namely:—

“TRIPURA	30	To be settled by the Delimitation Commission before the next General Elections.	To be settled by the Delimitation Commission before the next General Election ^a .
MANIPUR	30	Do.	Do.
CUTCH	30	Do.	Do „

STATEMENT OF OBJECTS AND REASONS

An anomalous position exists with regard to the administration of certain Part C States. While elected Legislative Assemblies and responsible Governments exist in certain Part C States, the people in Tripura, Manipur and Cutch are denied this minimum measure of popular administration. The aim of this Bill is to remove this anomaly.

Secondly, even in those States which possess responsible Governments, the Chief Commissioner or the Lieut. Governor have over-riding powers over the Ministries. The Bill also aims at restricting the powers of the former *vis-a-vis* the latter.

BIREN DUTT

BILL No. 57 OF 1953

A bill to provide relief to unemployed workers.

Be it enacted by Parliament as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Unemployment Relief Act, 19

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force within six months from the date of its passing.

2. **Definitions.**—In this Act unless the context otherwise requires,—

(a) “commercial establishment” means a bank, an insurance company or any office, shop, restaurant, hotel, theatre or any other factory or industrial undertakings not covered by the Factories Act, 1948 (LXIII of 1948);

(b) "dock" shall have the meaning assigned to it in the Indian Dock Labourers Act, 1934 (XIX of 1934);

(c) "employee" means a person, other than a worker, employed in any factory, railway, mine, plantation, transport services, dock, or in an industrial or commercial establishment;

(d) "factory" shall have the meaning assigned to it in the Factories Act, 1948 (LXIII of 1948);

(e) "industrial establishment" means a workshop or other establishment in which articles are produced, adapted, repaired or manufactured with a view to their use, transport or sale and includes Government industrial undertakings and Government and private printing presses;

(f) "mine" shall have the meaning assigned to it in the Indian Mines Act, 1923 (IV of 1923);

(g) "plantation" shall have the meaning assigned to it in the Plantations Labour Act, 1951 (LXIX of 1951);

(h) "public services" means services under the Government, Central or State or of any local body or educational institution, including Universities and hospitals and dispensaries;

(i) "railways" shall have the meaning assigned to it in the Indian Railways Act, 1890 (IX of 1890) and also includes privately owned or privately run railways;

(j) "transport services" include all transport services whether by land, sea or air;

(k) "worker" means any person employed directly or through any agency, whether for wages or not, in any factory, railway, mine, transport services, plantation, dock or in an industrial or commercial establishment.

3. Registration and Relief Centres.—The Government shall open employment exchanges and unemployed relief centres in every municipal town for the registration of the unemployed.

4. Registration of the unemployed.—(1) Any worker, or employee, man or woman employed in any factory, mine, plantation, railway or transport service, dock, bank or insurance company or any commercial or industrial establishment or a public service shall have the right to get himself or herself registered at the nearest employment exchange and unemployed relief centre and shall be entitled to receive an unemployed registration card free of cost.

(2) Any man or woman above the age of sixteen years who, not having been previously employed, applies for a job to the employment exchange and unemployed relief centre and for whom employment is not secured for one month from the date of his application shall be entitled to receive an unemployment registration card.

5. Claim of unemployment relief.—(1) Any registered unemployed shall have the right to claim unemployment relief if he has been unemployed for a period of fifteen days continuously or a total of fifteen days during one calendar month.

(2) In the case of persons referred to in sub-section (2) of section 4, they shall be entitled to claim unemployment relief if they do not get employment for one month from the date of their registration.

6. Verification.—The employment exchange and unemployed relief centres shall verify the claim of the unemployment relief claimant within seven days through proper enquiry and shall inform the claimant of the enquiry within three days of the completion of the enquiry.

7. Appeal against the result of the enquiry.—(1) If any registered unemployed is dissatisfied with the result of the enquiry in his case, he shall be entitled to ask for the reference of his claim to a court of appeal, which shall consist of one nominee each of the local trade union to which the unemployed claimant concerned belongs, and the Government, and the Chairman or a representative of the local Municipal Board.

(2) The decision of the court of appeal shall be binding on both the claimant and the Government.

8. Receipt of relief.—In case of claims being accepted by the Central Government or decreed by the court of appeal, the claimant shall be entitled to receive the amount due to him as relief within three days of the acceptance of his claim or the decree of the court of appeal and on the same date in subsequent months during the pendency of his accepted claim.

9. Disqualification.—Refusal of a job, carrying a lower wage and rates of dearness allowance and other allowances than what he was earning before being rendered unemployed or a job arising out of an industrial dispute or a job for which he is demonstrably unsuited or in which conditions of service are less favourable than in his usual employment, shall by no means disqualify any worker or employee from receipt of unemployment relief.

10. Period of relief.—A registered unemployed worker or employee shall be entitled to receive unemployment relief during the entire period of his unemployment and shall cease only on his being re-employed.

11. Rule making power of the Government.—The Government shall make rules and publish them in the Official Gazette to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

As a result of numerous closures of factories, mines, plantations, banks and other concerns and heavy retrenchment in public service, large scale increase in the number of unemployed has taken place in the country. Besides, there are large number of young men

and women looking for jobs who are unable to find employment. This causes intense misery and sufferings to the unemployed and their dependents, leading to manifold social evils.

It is, therefore, felt that the Government must undertake the responsibility to provide relief to the unemployed and their families where it fails to secure for them suitable jobs on their being rendered unemployed.

A. K. GOPALAN.

BILL No. 10 OF 1954

A Bill to provide for a central organisation for the purpose of general supervision and control of public industries.

WHEREAS it is necessary to establish a central organisation in order to create uniform conditions of work and proper administration of public financed industries and a machinery for their over-all control and general supervision;

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Public Financed Industries Control Board Act, 19 .

(2) It extends to the whole of India including the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Board” means the Public Financed Industries Control Board established under this Act;

(b) “public industries” means companies, corporations, and other undertakings owned by the Central Government, partly or wholly, or in which the Government has subscribed in the share-capital.

3. Constitution of the Board and its functions.—(1) The Central Government shall, by notification in the Official Gazette, appoint a central control board to be called the Public Financed Industries Control Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of twenty-one members, of whom eleven shall be non-official members,—

(i) capable of representing the interests of the general public;

(ii) preferably those having knowledge of matters relating to the technical or other aspect of the public industry; and

(iii) capable of representing the interests of persons employed.

The Chairman of the Board shall be elected from amongst the members.

4. Vacancies, etc. not to invalidate acts and proceedings.—No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Board.

5. Functions of the Board.—The functions of the Board shall be,—

(a) to take such measures as it may consider desirable for the benefit or development of public industries;

(b) to exercise over-all control and conduct general supervision of the public industries;

(c) to create, in so far as practicable, uniformity in conditions of service of their employees and workers;

(d) to keep record, collect data and to prepare report which shall include a statement of accounts setting out what has been done in the discharge of its functions during the financial year last completed. A copy of such report, together with a report of auditors on its accounts, shall be laid before Parliament by the Central Government;

(e) to formulate any policy or arrive at a decision involving financial implications in consultation with the Central Government;

(f) in so far as practicable, to run the public industries on commercial lines;

(g) to cause investigation to be made into the public industries, if there has been or is likely to be,—

(i) a substantial fall in the volume of production; or

(ii) a marked deterioration in the quality; or

(iii) a rise in the price,

in respect of any article or class of articles relatable to that industry or manufactured or produced therein, for which, having regard to the economic conditions prevailing, there is no justification or which could have been avoided, as the case may be;

(h) undertaking, assisting or encouraging scientific, technological and economic research, and maintaining, and assisting in the maintenance of research institutes; and

(i) to issue such directions, as may be appropriate for all or any of the following purposes, namely:—

(i) regulating the production and fixing the standards of production;

(ii) requiring them to take such steps as may be necessary to stimulate their development;

(iii) prohibiting them to resort to any act or practice which might reduce its productive capacity or economic value;

(iv) controlling the prices or regulating the distribution of any article or class of articles which has been the subject matter of investigation; and

(v) to assume full control and management if they have failed to comply with the directions issued above, or if they are being managed in a manner highly detrimental to the public interest.

6. Seat of the Board.—The Board shall have its office situated in Delhi or in such other place, as the Central Government may, from time to time, appoint.

7. The Staff of the Board.—The Central Government shall appoint,

(i) a person to be the Secretary of the Board; and

(ii) such staff as may be necessary for the efficient performance of the functions of the Board under this Act,

on such salary and allowances, and other conditions of service, as may be prescribed by them.

8. Creation of Central Board Fund.—A fund to be called the Central Board Fund shall be created for financing the Board for the performance of its functions and for the payment of the salary of the staff, and the Secretary and for the maintenance of the Board. All the public industries shall contribute such sums to this fund, in such proportions and at such intervals, as may be fixed by the Central Government from time to time.

9. Accounts of the Board.—The Board shall keep such accounts, and in such manner and form, as may be prescribed by the Central Government.

10. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall be laid for not less than one month before each House of Parliament as soon as possible after they are made, and shall be subject to such modification, whether by way of repeal or amendment, as both Houses of Parliament may make during the session in which they are so laid.

11. Penalties.—If any person—

(a) in any return or information required by the Board makes a statement which is false and which he knows to be false or does not believe to be true, or

(b) obstructs a member of the Board, or an officer of the Board in the exercise of any power conferred, or the discharge of any duty imposed on him by or under this Act or the Rules made thereunder,

he shall be punished for the first offence with imprisonment which may extend to three months, or with fine, or with both, and for a

second or subsequent offence with imprisonment which may extend to six months, or with fine, or with both.

12. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

13. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

STATEMENT OF OBJECTS AND REASONS

A large number of public financed industries and undertakings have come into being. It has been seen that individual ministries cannot devote as much attention to these industries as is necessary, and Parliamentary control and its nature is not yet determined. These industries have varying conditions of work and service as well as different patterns, and contract terms with other parties. It is therefore necessary to create a central organisation to look into the affairs of these industries for the purposes of general supervision and control and to bring about uniformity, in so far as practicable, in the conditions of service, work, and other activities. Hence this Bill.

M. L. DWIVEDI.

BILL No. 13 OF 1954

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Penal Code (Amendment) Act, 19

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may by notification in the Official Gazette appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) beef includes the flesh of bulls, bullocks, cows and their calves of any age and any of its products, cooked or raw.

(b) 'cow' includes bulls, bullocks, and their calves of any age.

3. Insertion of new sections 295B, 295C, and 295D in Act XLV of 1860.—After section 295A of the Indian Penal Code, 1860 (XLV of 1860) the following new sections shall be inserted namely:—

"295B. Punishment for slaughter of cows.—Whoever knowingly kills or attempts to kill a cow either for food or for any other purpose in a licensed slaughter house or at any public or private place shall be punishable with rigorous imprisonment which may extend to seven years.

295C. Punishment for abetment.—If any person slaughters a cow, whoever abets the commission of such slaughter shall be punishable with imprisonment which may extend to three years or with fine or with both.

295D. Punishment for sale of beef.—Whoever sells beef in a shop, public catering place or any other place whether in sealed tins or in any other manner shall be punishable with imprisonment which may extend to two years or with fine or with both."

STATEMENT OF OBJECTS AND REASONS

From times immemorial the Hindus have been regarding the cow as an object of reverence and worship and slaughter of cows outrages the religious feelings of the Hindus. Cow was regarded as *Aghnya* (that which ought not to be killed) since *Vedic* times. It was only during the foreign rule that the cows were killed in this sacred land. This was deeply resented by the Hindus even in the past and occasionally even the alien rulers had to submit to the overwhelming Hindu sentiment. In all the states ruled by Hindu princes slaughter of cow was a penal offence.

Cow is no doubt useful for the supply of milk and efficient working of the Agriculture but the reverence for cow is not on account of its economic utility but is based upon a deep rooted religious sentiment and hence only stopping the slaughter of useful draught and milch cattle would not satisfy the sentiment of people of this country. Unless the slaughter of cow is treated as an act injuring the religious sentiments of the Hindus and made a penal offence just like other acts referred in sections 295, 295A, 296 and other sections of the Indian Penal Code, the demand of the people would not be met.

In this Bill provision is made to stop slaughter not only of young and useful cows alone but also, of old cows and bulls who are equally the object of reverence of the Hindus. At certain places cows are not killed but beef is sold and this has also led to much heart burning and hence provision is made in this bill to make selling of beef also a penal offence.

V. G. DESHPANDE.

M. N. KAUL,
Secretary.